

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-6 and 9-15 are pending in this application. Claims 1, 6, 9-13, and 15 are herein amended. Support for the amendment of claim 1 is found at least in the specification at page 5, lines 16-18, and in original claims 7 and 8. No new matter is added. Claims 7 and 8 are canceled without prejudice.

In the outstanding Office Action, claims 1, 3-5, and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by Burton, WO 99/04228. Claims 1, 2, and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by Bannerjee, U.S. 6,307,630. Claim 10 was rejected under 35 U.S.C. § 103(a) as obvious over Bannerjee. Claims 6-8 and 11-15 were objected to due to incorrect dependencies.

Claims 1, 3-5, and 9 were rejected as anticipated by Burton. Applicants respectfully submit that claims 1 (and its dependent claims 2-6 and 11-15) and 9 (and its dependent claim 10), are not anticipated by Burton.

Claim 1 is directed to an automated and robotized platform including a battery of micro-fermentors with a useful culture volume ranging from 2 mL to 500 mL. Each of micro-fermentors includes a cell culture. The platform includes an external sensor for measuring at least an optical property of each cell culture contained in each micro-fermentor. Each platform further includes a mobile sensor holder able to receive the external sensor. The sensor holder has sensor moving means for moving the external sensor from a micro-fermentor to another one and for allowing for the real time measurement of at least one optical property. The platform also has monitoring and processing means for receiving in real time measurements of the optical property from the external sensor and monitoring in

real time a movement of the mobile sensor holder. And the platform has a system for regulating a temperature consisting of a Peltier effect autonomous regulating system.

Claim 9 is directed to a method for automatically measuring at least one optical property of cell cultures contained within a micro-fermentor battery. The method includes automatically measuring automatically at least one optical property of a culture within a micro-fermentor via an external sensor, moving the external sensor towards another micro-fermentor in robotically, and automatically measuring at least one optical property of a culture contained within another micro-fermentor via the external sensor.

Burton teaches a light detection device integrated in a measuring platform. It consists of an automated platform comprising a plurality of small volume samples that may include cell cultures or fermentation cultures. However, Burton's disclosure regarding cell cultures is limited to culture wells or microtitration plates. *See, i.e.,* Fig. 2. Accordingly, the Burton device is a device for measuring the light signal crossing through the wells of microculture or microtitration plates.

The presently claimed invention differs from Burton. Burton does not teach or suggest a system comprising a plurality of micro-fermenters having a useful culture volume ranging from 2 mL to 500 mL. Moreover, the Burton device teaches only a light detection or measuring device. It does not teach means necessary for maintaining cell culture conditions, such as a system for regulating the temperature, as claimed in claim 1. Failing to teach or suggest all of the elements of claims 1 and 9, Burton cannot anticipate claims 1 or 9, or the claims depending therefrom. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 1, 2, and 9 were rejected as anticipated by Bannerjee. Applicants respectfully submit that claims 1, 2, and 9 are not so anticipated.

Bannerjee discloses a device consisting of a turbidimeter array system. The Bannerjee device consists of means for measuring the effluent of a plurality of membrane cartridges comprising a membrane filtration plant. Like Burton, Bannerjee fails to teach or suggest a system comprising a plurality of micro-fermenters having a useful culture volume ranging from 2 mL to 500 mL, and fails to teach anything regarding the means necessary for maintaining cell culture conditions, such as a system for regulating the temperature, as claimed in claim 1. Failing to teach or suggest all of the elements of claims 1, 2, and 9, Bannerjee cannot anticipate the claims. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claim 10 was rejected as obvious over Bannerjee. Applicants respectfully submit that claim 10 is not rendered obvious by Bannerjee. A claimed invention can only be found obvious if there is “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (*quoting In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Moreover, every word in a claim must be considered in determining the question of patentability against the prior art. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). With this in mind, it is clear that Bannerjee does not teach or suggest a method for automatically measuring at least one optical property of cell cultures contained within a micro-fermentor having a useful culture volume ranging from 2 mL to 500 mL, with the steps of measuring automatically at least one optical property of a culture contained within one of the micro-fermentors via an external sensor, moving in a robotized way the external sensor towards another micro-fermentor, and measuring automatically at least one optical property of a culture contained within another micro-fermentor via the external sensor, further comprising injecting/sampling in a micro-fermentor as a function of the measurement value of the optical property. Bannerjee clearly fails to teach all of the claim limitations, and there is no rational underpinning to account for the

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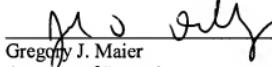
missing elements. Accordingly, Bannerjee cannot render claim 10 obvious. Applicants respectfully request withdrawal of this rejection.

Claims 6-8 and 11-15 were objected to due to incorrect dependencies. It is believed that these objections have been obviated by the present amendments.

In light of the above discussion, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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